

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIKE YELLEN,

Plaintiff,

No. CIV S-94-1298 GEB DAD P

vs.

ANA M. OLIVAREZ, et al.,

Defendants.

ORDER

Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has moved for a thirty day extension of time to file an opposition to defendants' pending motions for summary judgment, which are set for hearing before the undersigned on April 27, 2012.

Plaintiff seeks the extension in order to obtain test results on bottles containing water samples that he long-ago submitted as exhibits and has now, with leave of court, picked up from the court. See Order and Findings and Recommendations filed December 14, 2011 (Doc. No. 274), at 3. The court's expert has expressed the belief that those water samples submitted by plaintiff would not "be representative of water quality conditions at DVI" and, as this court noted in its December 14, 2011 order granting plaintiff's request for return of the bottles, the bottles and the water samples in them have no evidentiary value in this action. See id. at 2 (citing Letter

1 from Anthony Saracino, filed June 10, 2011, at 12). For that reason, the court will not grant
2 plaintiff an additional thirty day period of time to file his opposition to the motion.

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Plaintiff's April 2, 2012 motion for extension of time (Doc. No. 288) is denied;

5 2. Plaintiff shall file and serve opposition, if any he has, to defendants' pending
6 motions for summary judgment on or before April 20, 2012;

7 3. Defendants' reply briefs, if any, shall be filed and served on or before April 27,
8 2012; and

9 4. Hearing on this matter is continued to May 11, 2012 at 10:00 a.m. in
10 Courtroom # 27.

11 DATED: April 11, 2012.

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15 DALE A. DROZD
16 UNITED STATES MAGISTRATE JUDGE

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